

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:17-cr-4 KS-MTP

KINDRELL JODONN IRBY

ORDER CONTINUING CASE FOR TRIAL

This cause having come before the Court on Motion of the Defendant [18] to continue the trial of this case on grounds that counsel for defendant was appointed to represent Mr. Irby on March 13, 2017, and has not yet received discovery from the Government. The failure to grant such a continuance would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). In addition, Mr. Irby waives his right to a speedy trial during the time period of any continuance granted in response to his request.

Furthermore, the Government has expressly acknowledged approval of the delay of trial and agrees to this continuance.

THEREFORE, the Court is of the opinion and so finds that the motion for a continuance of this matter should be granted; and that for the reasons set forth herein, that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial and the failure to grant the continuance would result in a miscarriage of justice.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion to continue this matter for trial [18] is GRANTED.

IT IS FURTHER ORDERED that the trial of this matter is re-set for the Court's term

beginning June 19, 2017, in Hattiesburg, Mississippi. The time until the new trial date of June 19, 2017, will not count for the purposes of speedy trial. The Magistrate Judge will enter an Amended Trial Order herein.

SO ORDERED, this 29th day of March, 2017.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE